

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
AUGUST 3, 2009
7:02 P.M.**

ROLLCALL Answering rollcall were Members Bennett, Brindle, Housh, Swenson and Mayor Hovland.

EXECUTIVE SESSION ANNOUNCED Mayor Hovland announced that an executive session to address litigation had been held prior to the Council meeting and would reconvene following adjournment.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Bennett and seconded by Member Swenson approving the Council Consent Agenda with the exception of Item II.B., Set Hearing Date – September 1, 2009 – Amendment to Zoning Ordinance Drive-Throughs in PC-1.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

2009 IMAGES OF EDINA PHOTO CONTEST AWARDS Communications Coordinator Doll described the 2009 Images of Edina Photo Contest, thanked the judges, and announced the following award winners: Living Category and Best of Show Award to Scott Dorgan for “Fun in the Winter Sun,” Learning Category to Katie Heymer for “Learning at Home,” Raising Families Category to Denis Plaster for “Cherry Picnic,” Doing Business Category to Brian Smith for “Slowing Down and Enjoying Edina,” Judges Choice Award to Pamela Diedrich for “Moist Max,” Staff Choice Award to Dominic Castino for “Up, Up & Away,” Mayor Hovland thanked all for participating and congratulated award winners.

RESOLUTION NO. 2009-71 ADOPTED – APPRECIATION 4TH OF JULY COMMITTEE Mayor Hovland read in full and presented a resolution of appreciation to the 4th of July Planning Committee. **Member Swenson introduced and moved adoption of Resolution No. 2009-71 Commending the 4th of July Planning Committee.** Member Housh seconded the motion.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

Richard Olson, Chair of the 4th of July Planning Committee, stated his appreciation to all involved with this City celebration.

***MINUTES APPROVED – REGULAR MEETING OF JULY 21, 2009, WORK SESSION OF JULY 21, 2009, AND EXECUTIVE SESSION OF JULY 21, 2009** Motion made by Member Bennett and seconded by Member Swenson approving the minutes of the Regular Meeting of July 21, 2009, Work Session of July 21, 2009, and Executive Session of July 21, 2009.

Motion carried on rollcall vote – five ayes.

PUBLIC HEARING HELD ON PRELIMINARY PLAT – RESOLUTION NO. 2009-72 ADOPTED – 5920 OAKLAWN AVENUE, TWO-LOT SUBDIVISION – Affidavits of Notice presented and ordered placed on file.

Planner Presentation

Planner Teague described the request of David Lucachick and Brenda Cole for a preliminary plat to subdivide their double-sized property at 5920 Oaklawn Avenue into two lots. It was noted this request would also involve lot width variances from 75 feet to 50 feet for each lot, and lot area

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variances from 9,000 square feet to 6,710 and 6,707 square feet. Mr. Teague presented the Planning Commission's and staff's recommendation for approval based on three findings and subject to four conditions as detailed in the draft resolution.

The Council discussed the applicant's intent and asked questions of Mr. Teague about lot sizes within a 500-foot radius. Mr. Teague described a previously approved four-lot subdivision on France Avenue and addressed the desire to maintain structures that were in conformity with neighborhood properties.

Proponent Presentation

David Lucachick, 5920 Oaklawn Avenue, presented his ownership history of the subject property since 1990 and relayed the neighborhood's support for the construction of two homes on two separate lots rather than one larger-sized home on one lot. He stated his intent to sell the property.

Michael Branvold, Anderson Engineering, presented an overview of the request and stated the proponent concurred with staff's recommendation and suggested conditions. He answered questions of the Council regarding the grade of the site and installation of raised curb along the driveway to address the restriction on water runoff to the adjacent lot.

Mayor Hovland opened the public hearing at 7:39 p.m.

Public Testimony

Dick and Jackie Whitbeck, 6120 Brookview Avenue, addressed the Council.

Janey Westin, 6136 Brookview Avenue, addressed the Council.

Member Housh made a motion, seconded by Member Swenson, to close the public hearing.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland
Motion carried.

The Council discussed the application and asked questions of Mr. Branvold and Mr. Teague. Council Member Swenson stated her opposition to the application.

Member Housh introduced and moved adoption of Resolution No. 2009-72, approving a preliminary plat of 5920 Oaklawn into two lots, based on the following findings:

- 1. Except for the variances, the proposal meets the required standards and ordinance for the subdivision.**
- 2. The subdivision would meet the neighborhood medians for lot width, depth and area.**
- 3. The proposal meets the required standards for a variance because:**
 - a. There is a unique hardship to the property caused by the existing size of the property, which is two times the size of every lot on the block.**
 - b. The requested variances are reasonable in the context of the immediate neighborhood. The existing lot is both larger and wider than most properties in the area, including every lot on the block. The proposed subdivision would result in two lots more characteristic of the neighborhood.**
 - c. The proposed lots would be the same size as the lots were originally platted.**
 - d. The variances would meet the intent of the ordinance because the proposed lots are of similar size to others in the neighborhood.**
 - e. The property owner owns the lot that was originally platted as two lots on the block and without the benefit of a subdivision, cannot do what the neighboring property owners do with the same space.**

- f. The City approved a small lot subdivision in the 5900 block of Ewing & France, subject to the condition that building footprints, setbacks and building height be consistent with existing homes in the neighborhood.

and subject to the following conditions:

1. The City must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.
2. Prior to issuance of a building permit, the following items must be submitted:
 - a. Evidence of Minnehaha Creek Watershed District approval. The City may require revisions to the preliminary plat to meet the district's requirements.
 - b. A curb-cut permit must be obtained from the Edina Engineering Department.
 - c. A survey showing existing and proposed contours. Drainage from the new home, garage and driveway needs to drain to Oaklawn Avenue and not toward adjacent property. A curb must be installed on the north edge of Lot 1 and south edge of Lot 2 to contain water runoff. Final drainage plans are subject to review and approval of the City Engineer.
 - d. The existing garage must be removed, and a building permit issued for a new two-car garage Lot 1.
 - e. Utility hook-ups are subject to review of the City Engineer.
3. The building footprint for new homes on both Lots 1 and 2 shall be limited to a footprint of 1,864 square feet.
4. The variances must be reviewed and approved by the Zoning Board of Appeals.

Member Brindle seconded the motion.

Council Member Bennett stated why she objected to the application, noting opposition to it from neighboring residents by e-mail and telephone, and her opinion that no hardship had been demonstrated to justify the variances. The Council asked questions of Mr. Teague who indicated that a 3,350 sq. ft. house could be built on the current lot, which, with a second story, could be three to four times larger than the 1,800 sq. ft. homes in this neighborhood. The Council continued its discussion on the four proposed conditions, desire for neighborhood integrity, and evolution of Edina. Council Member Housh called the question.

Rollcall:

Ayes: Brindle, Housh, Hovland

Nays: Bennett, Swenson

Motion carried.

PUBLIC HEARING DATE SET (SEPTEMBER 1, 2009) AMENDMENT TO ZONING ORDINANCE DRIVE-THROUGHS IN PC-1

The Council discussed its intent to extend written notice to a 1,000 foot radius. **Member Swenson made a motion, seconded by Member Bennett, to set the public hearing to September 1, 2009, a zoning ordinance amendment to Section 850, regarding drive-through facilities in the PCD-1 zoning district, with mailed notification to a 1,000 foot radius from the subject property.**

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – 2009 MICROSOFT ENTERPRISE AGREEMENT RENEWAL** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for 2009 Microsoft Enterprise agreement renewal to the recommended low bidder, Software House International at \$41,789.23.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – NETWORKING EQUIPMENT FIBER OPTIC FACILITIES** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for network equipment for fiber optic facilities to the recommended low bidder, LOGIS at \$21,456.65.

Motion carried on rollcall vote – five ayes.

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***AWARD OF BID – TENNIS COURT RENOVATIONS AT LEWIS PARK** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for tennis court renovations at Lewis Park to the recommended low bidder, Finley Bros., Inc. at \$24,970.00.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – CONTRACT NO. 3A PRECAST FOR PUBLIC WORKS BUILDING** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for Edina Public Works Building, Structural Pre-cast Concrete Contract No. 3A, Improvement No. PW-1, to the recommended low bidder, Fabcon, Inc. at \$797,466.00.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – CONTRACT NO. 3B UNIT MASONRY FOR PUBLIC WORKS BUILDING** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for Edina Public Works Building, Unit Masonry Contract No. 3B, Improvement No. PW-1, to the recommended low bidder, Gresser at \$29,100.00.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – CONTRACT NO. 3C STEEL SUPPLY FOR PUBLIC WORKS BUILDING** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for Edina Public Works Building, Steel Supply Contract No. 3C, Improvement No. PW-1, to the recommended low bidder, Thurnbeck Steel Fabrication, Inc. at \$142,400.00.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – CONTRACT NO. 3D STEEL ERECTION FOR PUBLIC WORKS BUILDING** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for Edina Public Works Building, Steel Erection Contract No. 3D, Improvement No. PW-1, to the recommended low bidder, Patriots Erectors at \$154,900.00.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – ARTICULATED TRACTOR – 50TH AND FRANCE** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for one articulated tractor to the recommended low bidder, Cushman Motor Company at \$26,041.00.

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2009-70 ADOPTED ACCEPTING VARIOUS DONATIONS Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations. **Member Bennett introduced and moved adoption of Resolution No. 2009-70 accepting various donations.** Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***RESOLUTION NO. 2009-69 ADOPTED – AUTHORIZING AMENDMENT TO PUBLIC HEALTH EMERGENCY PREPAREDNESS & CITIES' READINESS GRANT** Motion made by Member Bennett and seconded by Member Swenson to adopt Resolution No. 2009-69, authorizing the City of Edina to amend the Public Health Preparedness And Cities' Readiness Initiative Grant Agreement with the Minnesota Department of Health.

Motion carried on rollcall vote – five ayes.

COMMUNITY COMMENT

Bill Westerdahl, 5912 Walnut Drive, addressed the Council to express concern regarding the Three Rivers Park bike trail project and timeline.

Janey Westin, 6136 Brookview Avenue addressed the Council to request notification of the outcome of 6120 Brookview Avenue.

Charlie Hughes, 6136 Brookview, addressed the Council regarding signs.

***CONFIRMATION OF CLAIMS PAID** Motion made by Member Bennett and seconded by Member Swenson approving payment of the following claims as shown in detail on the Check Register dated July 23, 2009, and consisting of 33 pages: General Fund \$334,630.97; Communications Fund \$1,987.90; Police Special Revenue \$366.56; PIE Debt Service Fund \$3,000.00; Working Capital Fund \$207,720.13; Art Center Fund \$2,763.89; Golf Dome Fund \$231.28; Aquatic Center Fund \$15,796.25; Golf Course Fund \$12,795.55; Ice Arena Fund \$8,600.14; Edinborough/Centennial Lakes Fund \$250,332.13; Liquor Fund \$168,953.43; Utility Fund \$62,963.89; Storm Sewer Fund \$3,976.03; Recycling Fund \$176.35; PSTF Agency Fund \$10,712.87; **TOTAL \$1,085,007.37** and for approval of payment of claims dated July 30, 2009, and consisting of 34 pages: General Fund \$521,758.48; Communications Fund \$4,968.22; Working Capital Fund \$1,313,375.68; Construction Fund \$301.10; Art Center Fund \$18,129.54; Aquatic Center Fund \$5,083.56; Golf Course Fund \$18,574.30; Ice Arena Fund \$60,504.11; Edinborough/Centennial Lakes Fund \$12,565.22; Liquor Fund \$149,537.55; Utility Fund \$691,172.43; Storm Sewer Fund \$257,510.66; PSTF Agency Fund \$719.93; **TOTAL \$3,054,200.78.**

Motion carried on rollcall vote – five ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 8:45 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, August 18, 2009.

James B. Hovland, Mayor

Video Copy of the August 3, 2009, meeting available.